

Charles R. Virginia, Esq. (CV 8214)  
**BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC**  
111 Broadway, 14<sup>th</sup> Floor  
New York, New York 10006  
Office Tel. No.: (212) 943-9080  
*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PAT ANGELO, JOSEPH DEVITA, ROBERT GARIEPY, JOSEPH PUZIO III, JOHN F. CAPO, STEPHEN DOHERTY, WILLIAM DERENZIS, JEFFREY DUFFY, as Trustees of the B.A.C. LOCAL 4 PENSION AND ANNUITY FUNDS, MICHAEL PETERSON, RUDOLPH RICCIARDI, ROBERT EPIFANO, JOSEPH SPERANZA, JR., MICHAEL SCHMERBECK, JACK KOCSIS, KENNETH SIMONE, JOHN F. CAPO, STEVE DOHERTY, DONALD ENGELHARDT, DIETER RUACH, RICHARD TOLSON, as Trustees of the NEW JERSEY B.A.C. HEALTH FUND, ROBERT GARIEPY, JAMES R. PRISCO, JR., RUDOLPH RICCIARDI, JOSEPH SPERANZA, JR., JOHN F. CAPO, JEFFREY DUFFY, DONALD ENGELHARDT AND LEON JONES, JR., as Trustees of the NEW JERSEY BM&P APPRENTICE AND EDUCATION FUND, JOHN J. FLYNN, JAMES BOLAND, GERALD O'MALLEY, KEN LAMBERT, GERARD SCARANO, H.J. BRAMLETT, EUGENE GEORGE, PAUL SONGER, CHARLES VELARDO, MATTHEW AQUILINE, GREGORY R. HESS, MICHAEL SCHMERBECK, VINCENT DELAZZERO and BENJAMIN CAPP, as Trustees of the BRICKLAYERS & TROWEL TRADES INTERNATIONAL PENSION FUND, and JIM ALLEN, MATTHEW AQUILINE, LON BEST, JAMES BOLAND, TED CHAMP, RAYMOND CHAPMAN, VINCENT DELAZZERO, BRUCE DEXTER, JOHN FLYNN, EUGENE GEORGE, GREGORY HESS, FRED KINATEDER, DAN KWIATKOWSKI, KEN LAMBERT, SANTO LANZAFAME, DICK LAUBER, WILLIAM McCONNELL, EDWARD NAVARRO, GERALD O'MALLEY, JOHN PHILLIPS, CHARLES RASO, MARK ROSE, KEVIN RYAN, GERARD SCARANO, MICHAEL SCHMERBECK, PAUL SONGER, JOSEPH SPERANZA, and FRED VAUTOUR, as Trustees of, and on behalf of, the INTERNATIONAL MASONRY INSTITUTE, and JOHN F. CAPO, as Business Manager of B.A.C. LOCAL NO. 4 NEW JERSEY,

Plaintiffs,

-against-

GEMELLI CONSTRUCTION,

Defendant.

PLEASE TAKE NOTICE that, pursuant to Fed. Civ. P. Rule 41(a)(1)(i), the above-captioned action be and hereby is dismissed in its entirety.

08 Civ. 124 (WJM)

**NOTICE OF  
DISMISSAL**

Dated: New York, New York  
June 10, 2008

BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC

By: \_\_\_\_\_ /s/ \_\_\_\_\_  
Charles R. Virginia (CV 8214)  
Trinity Centre  
111 Broadway, Suite 1403  
New York, N.Y. 10006  
(212) 943-9080  
Attorneys for Plaintiffs

SO ORDERED:

---

U.S.D.J.